

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

TOWN OF DAVIE POLICE PENSION PLAN,  
individually and on behalf of all others similarly  
situated,

Plaintiff,

v.

PIER 1 IMPORTS, INC., ALEXANDER W.  
SMITH, and CHARLES H. TURNER,

Defendants.

Case No. 3:15-cv-03415-D

Honorable Sidney A. Fitzwater

**NOTICE OF NEW SUPPLEMENTAL AUTHORITY IN SUPPORT OF THE MOTION  
OF THE MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM OF MICHIGAN FOR  
APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF ITS SELECTION OF  
LEAD COUNSEL**

COMES NOW Lead Plaintiff movant Municipal Employees' Retirement System of Michigan ("Michigan") and hereby respectfully submits this notice of new supplemental authority in support of its Motion for Appointment as Lead Plaintiff. *See* ECF No. 12. Michigan respectfully states as follows:

1. On March 4, 2016, the Court held oral argument on the competing motions for appointment as Lead Plaintiff. During the argument, counsel for Alaska Electrical Pension Fund ("Alaska") argued that the Court should look to the shorter class period alleged in the related action, *Kenney v. Pier 1 Imports, Inc.*, No. 3:15-cv-2798-D (N.D. Tex.), to determine the movants' financial interest in this case. *See* Hearing Transcript at 18:19-20:9 (attached hereto as Ex. A). In support of that argument, Alaska's counsel cited the then-pending lead plaintiff motions in *Hom v. Vale S.A.*, No. 1:15-cv-9539-GHW (S.D.N.Y.) ("*Vale*"), and suggested that the filing of a complaint that expanded the class period in *Vale* was the result of "manipulation," and should therefore be disregarded. Ex. A at 18:19-20:9. Alaska's counsel further suggested that the purported manipulation of the class period in *Vale* implies that Michigan's counsel acted improperly to expand the class period in this action. *See id.*

2. On March 7, 2016, the Hon. Gregory H. Woods of the U.S. District Court for the Southern District of New York issued an order on the lead plaintiff motions in *Vale*. *See* Memorandum Opinion and Order, *Hom v. Vale S.A.*, No. 1:15-cv-9539-GHW (S.D.N.Y. Mar. 7, 2016), ECF No. 51 (attached hereto as Ex. B). Judge Woods rejected the arguments in favor of the shorter class period in that case—arguments that are almost identical to those advanced by Alaska here—and followed the well-established precedent that the longest filed class period controls a court's analysis of the financial interest of lead plaintiff movants.

Dated: March 8, 2016

Respectfully Submitted,

/s/ David Folsom

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**CERTIFICATE OF SERVICE**

I hereby certify that on this day, March 8, 2016, I electronically filed the above Notice of Supplemental Authority In Support Of The Motion Of The Municipal Employees' Retirement System Of Michigan For Appointment As Lead Plaintiff And Approval Of Its Selection Of Lead Counsel using the CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

/s/ David Folsom

David Folsom